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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,909	08/27/2003	Brian J. Bogdan	67,108-017;Bogdan 2-1-1-1	5062
26096 7590 06/04/2007 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			EXAMINER WOOD, WILLIAM H	
			ART UNIT 2193	PAPER NUMBER
			MAIL DATE 06/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/648,909

Applicant(s)

BOGDAN ET AL.

Examiner

William H. Wood

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-18 are pending and have been examined.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The non-originally disclosed subject matter is: assigning a part number to the firmware file that provides an indication that the firmware file is ready to be burned onto a chip and wherein the firmware file cannot be accessed to be burned onto a chip if the part number is not associated with the firmware file. The original disclosure makes no mention of requiring a part number to burn the firmware onto a chip or that a part number “provides an indication that the firmware is ready to be burned” or that the firmware cannot be burned if a part number is not associated with the firmware file. Therefore, the newly added limitations, being non-original, must be removed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Barturen** et al. (US Patent Application Publication 2003/0046681) in view of **Piazza** (USPN 7,178,141).

Claim 1

Barturen disclosed a method of managing a firmware (*page 3, paragraph 0046, encompasses "software" of which firmware is an element*) development process, comprising:

archiving a firmware file containing at least one of firmware source code and firmware object code in an archive (*page 3, paragraph 0046, "source code modules", "binary and executable files"; figure 2, element 215*); and

assigning a status to the firmware file corresponding to a stage in the development process, wherein the status is also stored in the archive (*page 3, paragraph 0046, "to determine at any time the status of a target software system"*).

Barturen did not explicitly state assigning a part number to the firmware file that provides an indication that the firmware file is ready to be burned onto a chip and wherein the firmware file cannot be accessed to be burned onto a chip if the part number is not associated with the firmware file. **Piazza** demonstrated that it was known at the time of invention to require part numbers for firmware (column 2, line 19 and column 2, lines 23-25) and to burn or write to chips (column 1, lines 38-48). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the firmware archiving system of **Barturen** with assigning part numbers to firmware for deployment (that is writing or burning to a chip) as found in **Piazza's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to track changes and ensure compatibility (**Piazza**: column 1, lines 49-52; and column 2, lines 18-20).

Claim 2

Barturen disclosed the method of claim 1, further comprising storing a work history of the firmware file in the archive (*page 3, paragraph 0046, "manages the different releases and version of the software product components during the development cycle and keeps track of their evolution"*).

Claim 6

Barturen did not explicitly state the method of claim 1, wherein the firmware

file contains source code and object code, and wherein the method further comprises compressing the source code and object code before the archiving step. **Barturen** demonstrated that it was known at the time of invention to provide compression of files (page 5, paragraph 0084). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the software management system of **Barturen** with compression of files at various stages including before archival as suggested by **Barturen's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to make use of a technique to save space.

Claim 7

Barturen disclosed the method of claim 1, further comprising assigning a part number to the firmware file (*page 6, paragraph 0091*).

Claim 8

Barturen disclosed the method of claim 1, further comprising saving edits to the firmware file (*page 3, paragraph 0047, "changes"*).

Claim 9

Barturen disclosed the method of claim 1, further comprising retrieving at least a portion of the firmware file from the archive (*page 5, paragraph 0081, "extracts"*).

Claim 10

Barturen disclosed the method of claim 9, wherein the retrieving step comprises: selecting whether to retrieve the object code or both the object code and the source code; and retrieving based on the selecting step (*page 8, paragraph 0122, "usually only binary files", not always*).

Claim 11

Barturen disclosed the method of claim 10, wherein the selecting step further comprises restricting retrieval of the source code to at least one authorized user (*page 6, paragraph 0089, teams*).

5. Claims 3-5 and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Barturen** et al. (US Patent Application Publication 2003/0046681) in view of **Piazza** (USPN 7,178,141) in further view of **Mukherjee** et al. (USPN 5,317,729).

Claim 3

Barturen did not explicitly state the method of claim 1, wherein the status is one selected from a private status, a test status, and a public status.

Mukherjee demonstrated that it was known at the time of invention to provide private, test and public statuses (figure 3). It would have been obvious to one

of ordinary skill in the art at the time of invention to implement the software management system of **Barturen** with various statuses as found in **Mukherjee's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to make use of a long existing and therefore readily available mechanism for version control (*column 1, lines 5-11*), which is the purpose of **Barturen**.

Claim 4

Barturen and **Mukherjee** disclosed the method of claim 3, wherein the private status corresponds to a design stage in the development process, the test status corresponds to a reviewing stage, and the public status corresponds to a manufacturing stage (**Mukherjee**: *column 1, lines 45-55*).

Claim 5

Barturen and **Mukherjee** disclosed the method of claim 3, wherein at least one of the private status and the test status restricts access to the firmware file to at least one authorized user (**Barturen**: *page 6, paragraph 0089, teams*).

Claims 12-18

The limitaitons of claims 12-18 correspond to claims 1-5 and 7-11 and are rejected in the same manner.

Response to Arguments

6. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571)-272-3756. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



William H. Wood
Patent Examiner
AU 2193
May 22, 2007